

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below under our names.

We believe that we are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CHOLINE BINDING PROTEINS FOR ANTI-PNEUMOCOCCAL VACCINES

the Specification of which

is attached hereto
 was filed on 08/847,065
as Application Serial No. May 1, 1997
and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §1.119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| <u>PRIOR FILED APPLICATION(S)</u> | | | |
|-----------------------------------|----------------|-------------------------------|-------------------------|
| <u>APPLICATION NUMBER</u> | <u>COUNTRY</u> | <u>(DAY/MONTH/YEAR FILED)</u> | <u>PRIORITY CLAIMED</u> |
| 60/016,632 | U.S. | 1 MAY 1996 | YES |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---------------------------|--|---|
| APPLICATION <u>NO.</u> | FILING DATE <u>(DAY/MONTH/YEAR)</u> | STATUS - PATENTED, PENDING, <u>ABANDONED</u> |
| N O N E | | |

I hereby appoint as my attorneys or agents the following persons: Jack Matalon (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Barbara L. Renda (Attorney, Registration No. 27,626); Michael D. Davis (Attorney, Registration No. 39,161); and Joseph M. Homa (Attorney, Registration No. 40,023), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

DAVID A. JACKSON, ESQ.
KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NEW JERSEY 07601

Direct all telephone calls to David A. Jackson at (201) 487-5800.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR: H. ROBERT MASURE
RESIDENCE: 9600 Dove Meadow Cove W.
Germantown, TN 38139
COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 9600 Dove Meadow Cove W.
Germantown, TN 38139

SIGNATURE OF INVENTOR _____

DATE _____

Docket No. 600-1-158 N

FULL NAME OF SECOND JOINT INVENTOR: CARSTEN I. ROSENOW

RESIDENCE:

500 E. 63rd Street, Apt. 19C 105 Livorno Way
New York, NY 10021 Ferwood City, CA 94065

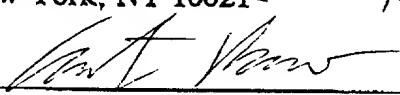
COUNTRY OF CITIZENSHIP: Germany

POST OFFICE ADDRESS:

500 E. 63rd Street, Apt. 19C 105 Livorno Way
New York, NY 10021 Ferwood City, CA 94065

SIGNATURE OF INVENTOR

DATE 7-19-97



FULL NAME OF THIRD JOINT INVENTOR: ELAINE TUOMANEN

RESIDENCE:

9600 Dove Meadow Cove W.
Germantown, TN 38139

COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS:

9600 Dove Meadow Cove W.
Germantown, TN 38139

SIGNATURE OF INVENTOR

DATE

FULL NAME OF FOURTH JOINT INVENTOR: THERESA M. WIZEMANN

RESIDENCE:

12142 Britannia Circle
Germantown, MD 20874

COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS:

12142 Britannia Circle
Germantown, MD 20874

SIGNATURE OF INVENTOR

DATE

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| <u>APPLICATION NUMBER</u> | <u>COUNTRY</u> | <u>(DAY/MONTH/YEAR FILED)</u> | <u>PRIORITY CLAIMED</u> |
| 60/016,632 | U.S. | 1 MAY 1996 | YES |

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I hereby appoint as my attorneys or agents the following persons: Jack Matalon (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Barbara L. Renda (Attorney, Registration No. 27,626); Michael D. Davis (Attorney, Registration No. 39,161); and Joseph M. Homa (Attorney, Registration No. 40,023), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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FULL NAME OF FIRST INVENTOR: H. ROBERT MASURE
RESIDENCE: 9600 Dove Meadow Cove W.
COUNTRY OF CITIZENSHIP: Germantown, TN 38139
POST OFFICE ADDRESS: USA
9600 Dove Meadow Cove W.
Germantown, TN 38139

SIGNATURE OF INVENTOR H. Robert Masure
DATE 9/23/97

FULL NAME OF SECOND JOINT INVENTOR: CARSTEN I. ROSENOW

RESIDENCE: 105 Livorno Way

Redwood City, CA 94065

COUNTRY OF CITIZENSHIP: Germany

POST OFFICE ADDRESS: 105 Livorno Way

Redwood City, CA 94065

SIGNATURE OF INVENTOR _____

DATE _____

FULL NAME OF THIRD JOINT INVENTOR: ELAINE TUOMANEN

RESIDENCE: 9600 Dove Meadow Cove W.

Germantown, TN 38139

COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 9600 Dove Meadow Cove W.

Germantown, TN 38139

SIGNATURE OF INVENTOR Elaine Tuomanen

DATE Sept 22, 1997

FULL NAME OF FOURTH JOINT INVENTOR: THERESA M. WIZEMANN

RESIDENCE: 12142 Britannia Circle

Germantown, MD 20874

COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 12142 Britannia Circle

Germantown, MD 20874

SIGNATURE OF INVENTOR Theresa M. Wizemann

DATE 9/23/97

PATENT
600-1-158 N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): H. ROBERT MASURE, CARSTEN I. ROSENOW, ELAINE TUOMANEN,
AND THERESA M. WIZEMANN

For : CHOLINE BINDING PROTEINS FOR ANTI-PNEUMOCOCCAL
VACCINES

STATEMENT IN SUPPORT OF THE FILING/SUBMISSION OF A
NUCLEOTIDE/AMINO ACID SEQUENCE LISTING IN
ACCORDANCE WITH 37 CFR §§1.821 - 1.825

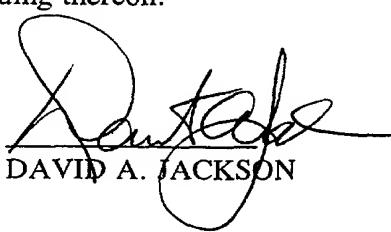
ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

Dear Sir:

DAVID A. JACKSON, attorney of record, hereby states as follows:

1. I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same.
2. I hereby state that the submission, filed in accordance with 37 CFR §1.821(g) herein does not include new matter.
3. I hereby declare that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the U.S. Code, Section 1001 and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

DATED: May 1, 1997


DAVID A. JACKSON

ASSIGNMENT

WHEREAS, we, the undersigned

H. ROBERT MASURE, a citizen of the United States,
residing at 9600 Dove Meadow Cove W.
Germantown, TN 38139;

CARSTEN I. ROSENOW, a citizen of Germany,
residing at 105 Livorno Way
Redwood City, CA 94065

ELAINE TUOMANEN, a citizen of the United States,
residing at 9600 Dove Meadow Cove W.
Germantown, TN 38139; and

THERESA M. WIZEMANN, a citizen of the United States,
residing at 12142 Britannia Circle
Germantown, MD 20874

ASSIGNORS, have invented certain new and useful improvements in

CHOLINE BINDING PROTEINS FOR ANTI-PNEUMOCOCCAL VACCINES

for which we have filed an Applications for Letters Patent in the United States on May 1, 1996 as U.S. Serial No. 60/016,632, and U.S. Serial No. 08/642,250; and

WHEREAS, **THE ROCKEFELLER UNIVERSITY**, an education corporation organized and existing under the laws of the State of New York, with offices at 1230 York Avenue, New York, New York 10021-6399;

ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application;

NOW, THEREFORE, FOR other good and valuable consideration, the receipt of which is hereby acknowledged, we the said

ASSIGNORS,

have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, to the said

ASSIGNEE,

its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the right to claim priority under the terms of any appropriate International Convention based upon said application for Letters Patent of the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said

ASSIGNEE,

its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the interest herein assigned in the manner hereinabove set forth, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said

ASSIGNEE,

its successors, legal representatives and assigns, any fact known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said

ASSIGNEE,

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

ASSIGNMENT

WHEREAS, we, the undersigned

H. ROBERT MASURE, a citizen of the United States,
residing at 9600 Dove Meadow Cove W.
Germantown, TN 38139;

CARSTEN I. ROSENOW, a citizen of Germany,
residing at 105 Livorno Way
Redwood City, CA 94065

ELAINE TUOMANEN, a citizen of the United States,
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improvements and the said application;

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ASSIGNEE,

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

Date 9/23, 1997

H. Robert Masure L.S.
H. ROBERT MASURE

Date _____, 19

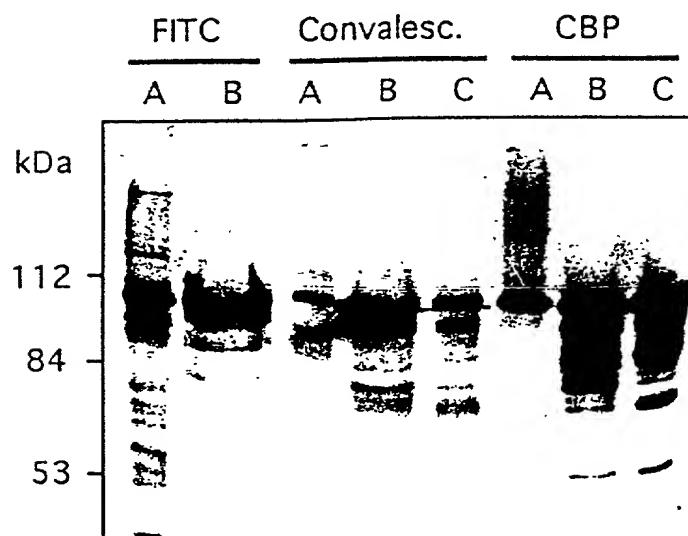
CARSTEN I. ROSENOW L.S.

Date Sept 22, 1997

Elaine Tuomanen L.S.
ELAINE TUOMANEN

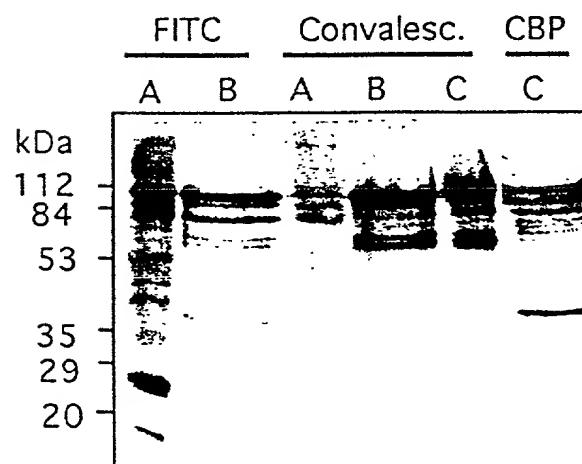
Date 9/23/97, 19

Theresa M. Wizeman L.S.
THERESA M. WIZEMAN



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FIG. 1



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FIG. 2